

REMARKS

Claims 1-5 and 7-11 are pending and under consideration in the above-identified application. Claims 6 and 12 were previously cancelled and remain cancelled.

In the Final Office Action of August 18, 2011, claims 1-5 and 7-11 were rejected. With this amendment, claims 1, 2, 7 and 8 are amended. No new matter has been added as a result of the amendment.

Applicant is in the process of obtaining signatures for a corrected declaration and will submit the declaration to the U.S.P.T.O. as soon as possible.

I. 35 U.S.C. § 112

Claims 1-5 and 7-11 were rejected under 35 U.S.C. § 112, second paragraph.

With this amendment, claims 1 and 7 are amended taking into consideration the Examiner's comments. Accordingly, the Applicant respectfully requests the withdrawal of this rejection.

II. 35 U.S.C. § 102 Anticipation Rejection of Claims/35 U.S.C. § 103 Obviousness Rejections of the Claims

Claims 1-5 and 7-11 were rejected under 35 U.S.C. 102(b)/103(a) as being anticipated by, and alternatively, unpatentable over Kawakami et al. (U.S. Pat. No. 6,432,585) ("Kawakami"). Applicant respectfully traverses the rejections.

Independent claims 1 and 7 each require a composite material which includes a base material and a carbonaceous material. Additionally, the independent claims require a specific relationship between the base material and the carbonaceous material, namely that the mass ratio of the carbonaceous material to the base materials is from and including 0.1 to and including 8.0 for the carbonaceous material relative to 100 for the base material. The mass ratio relationship required by the claims improves the capacity and cycle characteristics of the battery. Specification, page 8 & Table 1.

Kawakami does not teach or even fairly suggest the mass ratio relationship required by the claims. Rather, Kawakami discloses individual weight percentages of a host material and an electrically conductive auxiliary material. More specifically, Kawakami requires that the host matrix material is 35 wt % or more and that the conductive auxiliary material is 1 and 30 wt%. See, U.S. Pat. No. 6,432,585, Col. 12, l. 46-Col. 13, l. 14. As such, Kawakami only discloses individual wt% requirements for the host material and conductive material and does not teach or even fairly suggest a relationship between the components as required by the claims, i.e. a ratio

of the carbonaceous material in the electrically conductive auxiliary layer to the host matrix material.

Furthermore, Kawakami does not teach or even fairly suggest a composite material that includes tin (Sn) and at least cobalt (Co) as required by claims 1 and 7. Therefore, because Kawakami fails to disclose or even fairly suggest every feature of claims 1 and 7, the rejection of claims 1 and 7 cannot stand. Additionally, dependent claims 2-5 and 8-11 are allowable for at least the same reasons.

Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,

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